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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,892	05/05/2005	Walter Wolf	016906-0391	8121

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EXAMINER

KOSANOVIC, HELENA

ART UNIT PAPER NUMBER

3749

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/533,892	WOLF, WALTER	
	Examiner	Art Unit	
	Helena Kosanovic	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/5/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-6 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Pasch EP 0662901.

Pasch teaches a crossmember 1 having a basic body 4, 5, 13' arranged that at least partially encircles heating and air-conditioning system 7, provided with reinforcement /collar 14 (col. 2, ll. 57) where dictionary defines collar as a protective or supportive device (<http://www.m-w.com/cgi-bin/dictionary?va=collar>, accessed 8/29/2006) in which at least one air duct 13' (figs. 1 and 2) partially widened as a part of a housing 7 (fig. 2) of a heating and air-conditioning system and is connected to outlet 15' of heating and air-conditioning system (fig. 2); basic body 4,5, 13' having at least two subsections 4 (fig. 2) connected via third subsection 13' forming a widened area (fig. 2) wherein two subsections 4 are oriented at the sides of the heating and air-conditioning unit in the form of the side arms (fig. 2) and outlet 15' which opens into air duct 13 of one of the subsection 4 wherein air duct 13 is formed by separating molded part (fig. 2); an adapter element 15, made of plastic (fig. 2, col. 1, l. 58 and col. 2, l. 1), for connecting air duct 13 to the air outlet 15', is integrated into the air duct 13 (fig. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasch EP 0662901 in view of Mochizuki JP 11-319552.

Pasch teaches the invention as discussed above but is silent about having duct 14 between two ducts instead between two walls of duct 4.

Mochizuki teaches a duct 3 with duct 4, 5 above. Having a second duct below duct 3, the courts have held that duplication of parts has no patentable weight unless a new and unexpected result is produced (MPEP 2144 VIB). Adding additional duct 4,5 below duct 3 is a duplication of element 4,5 for providing the desired path of the airflow. It is also noted that the airflow path is an obvious design choice in lack of any teaching or criticality.

It would have been obvious to one ordinary skill in the art to have the Pasch hybrid structure modified with the Mochizuki ducts placed on both sides of the central duct in order to improve formability and mount workability of an air conditioning duct (Abstract, II. 1-2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helena Kosanovic whose telephone number is

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(571)272-9059. The examiner can normally be reached on 8:30-5:00, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571-272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helena Kosanovic
Examiner
Art Unit 3749
82906

Helena Kosanovic

Ehud Gartenberg

Ehud Gartenberg
SPE
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**EHUD GARTENBERG
SUPERVISORY PATENT EXAMINER**